THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.12762 of 2007

MONDAY, THE NINTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Abdul Hussain, S/o. Shaik Hussain, aged 60 years,
Occ: Agriculture, R/o. H.No.8-1-115, Gattaigudem,
New Paloncha, Khammam District, and others.

… Petitioners

And

The State of Andhra Pradesh, Revenue Department (LA), rep. by its Secretary, Secretariat, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the second respondent in issuing notification dated 01-06-2007 under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') without including the names of the petitioners as pattadars and including the names of the respondents 6 to 14 in respect of the

lands in S.Nos.333, 342, 352, 353, 354, 355 and 402 in Repakagommu village, Velairpad Mandal, Khammam District as illegal and arbitrary.

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition appearing for the respondents.

Petitioners claim to be the owners and possessors of Ac.12.07 guntas, Ac.14.26 guntas and Ac.11.03 guntas respectively, covered by the aforesaid survey numbers. It is their case that the second respondent has issued the impugned notification notifying certain lands, including the aforesaid lands, for the purpose of shifting the owners to other places as the same were coming under submergence due to the construction of India Sagar (Polavaram) Project.

The grievance of the petitioners is that though they are pattadars of the lands in question, in the impugned notification, the names of respondents 6 to 14 were shown as pattadars in their place.

Merely because the names of the petitioners are not shown in the said notification, that by itself is not a ground to declare the same as illegal. If the petitioners claim title, compensation with regard to the lands in question, they can very well file claim petitions before the Land Acquisition Officer and it is for the said authority to consider the claims of the petitioners in the award enquiry.

In that view of the matter, I dispose of the writ petition permitting the petitioners to file claim petitions before the respondents substantiating their right, title and claim for compensation, along with other eligible claimants. If any such petitions are filed, the Land Acquisition Officer shall consider the same in the award enquiry and pass appropriate orders. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 9, 2007
MRR